

REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action, to which this Amendment is responsive. Claims 1, 3 and 15 have been amended in an effort to further clarify and particularly point out that which is regarded as the present invention. The specification has also been amended to correct certain errata. It is believed that no new matter has been added.

Claims 1, 3, 4, 8, 9, 10 and 15 are pending, the remaining Claims 2, 5-7, 11-14 and 16-17 having been subjected to a Restriction Requirement. Applicant still reserves the right to file divisional applications on the subject matter covered by the non-elected claims.

All pending Claims 1, 3, 4, 8-10 and 15 have been rejected on the basis of certain prior art. More specifically, the above claims have been rejected under 35 U. S. C. 103 (a) based on the combination of Enke et al. (U.S Patent No. 3,752,497), Takahashi et al. (U. S. Patent No. 3,895,816) and Sakai (U.S. Patent No. 6,250,658 B1). The Examiner has also rejected Claims 1, 3, 4, 8-10 and 15 under 35 USC 112, second paragraph, and also has objected to the drawings under 37 CFR 1.83(a). Applicant respectfully requests reconsideration based on the amended claims, as well as the following discussion.

Turning to the prior art rejections and in order to successfully assert a "*prima facie*" obviousness rejection under the Patent Statute, each and every claimed limitation must be found, whether singly or in combination, in the prior art. If the claim limitations are neither taught or suggested, they must be notoriously well known to one of sufficient (i.e., ordinary) skill in the field of the invention at the time thereof. Moreover and in the case of combining references, there must be a reason or motivation found in the prior art as a whole in order to make the purported combination. To that end, each cited reference should be read in its entirety and not in a piecemeal fashion so as to re-create the invention by means of impermissible hindsight (advance knowledge).

Enke et al. (hereinafter Enke) describes a control valve 38 used in connection with an automobile that is actuated by means of a controlling device 51 through an acceleration sensor 40. Hydraulic oil is fed from a pressure reservoir 39 into piston cylinder spaces 32 and 33 in order to generate movement X_1 . The transverse acceleration (i.e., centrifugal force) is measured by the sensor 40 and is converted into oil flows 34a, 34b by a known hydraulic circuit whereby

upon turning drive the shock absorbers 10a, 10b are maintained at the same level. The displacement cylinder 28 according to the teachings of this reference is not a piston valve, but rather is an actuator (cylinder) that is controlled through the sensor 40 and controlling device 51, as well as a control valve 38 (auxiliary energy from 39) – see col 3, lines 8-20. The working piston 27 is a cylinder piston used for actuation purposes having a relatively large diameter in that higher forces are required for the displacement of oil flows 34a, 34b. See col 2, line 64 – col 3, line 7.

Since in Enke, hydraulic capacitances or hydraulic resistances are neither discussed or shown, and therefore the Examiner has relied upon the secondary references of Takahashi et al (hereinafter Takahashi) and Sakai. In Takahashi, a vehicle attitude control device is described in which the level control is automatically shut off upon turning the drive. The Examiner has relied upon the throttling apertures 12 and the arrangement shown as components 3, 4, 5 and 6 in Fig. 1. A capacitance adjacent to this unit cannot be recognized. It is believed, in fact, that components 12, 6, 3, 4 and 5 together form a conventional “nozzle-impact plate system”, which is described in many hydraulic textbooks. The system appears to be used in this instance as a hydraulic amplifying pre-step for the control of the control spool 7 (as supported by spring) – see Fig. 1. The particularity of this pre-step appears to be demonstrated as follows: Mass 4 is subject to accelerations and actuates plug 3, whereby the pressure difference is generated at 6, 6' which moves control piston 7 and thus pistons 13, 14, 15.

The application according to the present invention refers to a piston valve similar to valve 26 disclosed by Sakai, also relied upon by the Examiner. According to this reference, oil displaced by the piston rod flows through control valve 43 (pressure in 22L leads to flow through flow control orifice 45; backflow without resistance through check valve 46). The oil that is displaced flows into a control unit 17 that interconnects the two absorbers 14 L, R, which as an accumulator 49 accommodates the oil volume or delivers the oil volume, respectively. In the present application, reference is herein made to Figure 1 see Vg. Thus according to Sakai, additional shock absorbing for the rolling motion is therefore achieved. The dampening in the individual components occurs in a known manner by way of piston valve 28, bottom valve 43 and compensation volume 49. The present application refers to an acceleration dependent displacement of piston valve 26 and/or 43 as disclosed in Sakai.

Therefore, none of the herein cited documents include any teachings or suggestions, whether stated or implied, for the improvement of damping properties of individual shock absorbers. The Examiner has herein stated that an expert may come to the invention by way of combination of known teachings.

For the foregoing reasons, it is believed that Claim 1 is patentably distinct from the cited prior art. Claims 3, 4, 8-10, and 15 are believed to be applicable since these claims depend therefrom. Reconsideration is therefore respectfully requested.

As to the Section 112 rejections, Claims 1, 3 and 15 have now been amended in an effort to clarify each in order to particularly point out and distinctly describe the invention. To that end, Claim 1 has been amended to clarify the structure of the control piston relative to that of the first piston valve member and the effective surfaces. As to Claim 3, this element has not been doubly claimed in that reference to Fig. 10 indicates that each piston valve member connected in parallel includes its own control piston. It is believed the claims are now sufficiently clear and distinctively drafted and therefore withdrawal of this rejection is respectfully requested.

Finally and as to the drawing rejections, Applicant has amended the specification at paragraphs [0035] and [0059]. Support is found for the control piston 32 in Fig. 1 and paragraph [0035], line 9. First and second control valves are disclosed in Fig. 10 and are also described in paragraph [0059]. Each of the foregoing paragraphs have been edited in an attempt to properly comport the specification and drawings. To that end, it is believed that no new matter has been added. Favorable consideration is respectfully requested.

In summary and in view of the above amendment, Applicant believes the above-captioned application is now in a condition for allowance and an expedited Notice of Allowability is earnestly solicited.

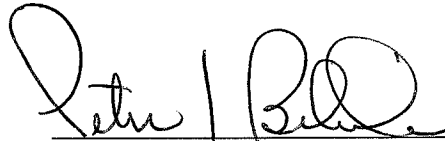
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number listed below.

It is believed no fee is required for the filing of this response. However, in the event that any additional fees are required, the Director is hereby authorized to charge Deposit Account No. 50-3010 for any additional fees and to charge any overpayments thereto.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

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A handwritten signature in black ink, appearing to read "Peter J. Bilinski", written over a horizontal line.

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